

CSD 1001A [11/15/04]

Name, Address, Telephone No. & I.D. No.

SULLIVAN HILL LEWIN REZ & ENGEL, A.P.L.C.

James P. Hill (SBN 90478)/Gary B. Rudolph (SBN 101921)

550 West C Street, Suite 1500

San Diego, CA 92101

Tel.: (619) 233-4100

Attorneys for James L. Kennedy, Trustee



UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

325 West "F" Street, San Diego, California 92101-6991

In Re

BURLINGAME CAPITAL PARTNERS II, L.P., a Delaware Limited Partnership,

Debtor.

BANKRUPTCY NO. 14-02607-CL7

Date of Hearing: N/A

Time of Hearing: N/A

Name of Judge: Hon. Christopher B. Latham

ORDER

**APPROVING NON-CONTESTED NOTICE OF INTENDED ACTION TO DISMISS
CROSS-COMPLAINT AGAINST ALLEN MATKINS, ET AL. AND APPEAL OF DISCOVERY
SANCTION ORDER**

IT IS ORDERED THAT the relief sought as set forth on the continuation pages attached and numbered two (2) through 2 with exhibits, if any, for a total of 2 pages, is granted. Motion/Application Docket Entry No. 18, 19 and 20

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DATED: July 8, 2014

Christopher B. Latham

Judge, United States Bankruptcy Court

Signature by the attorney constitutes a certification under Fed. R. of Bankr. P. 9011 that the relief in the order is the relief granted by the court.

Submitted by:

SULLIVAN HILL LEWIN REZ & ENGEL, APLC
(Firm name)

By: /s/Gary B. RudolphAttorney for ☒ Movant ☐ Respondent

ORDER ON APPROVING NON-CONTESTED NOTICE OF INTENDED ACTION TO DISMISS CROSS-COMPLAINT AGAINST ALLEN MATKINS, ET AL. AND APPEAL OF DISCOVERY SANCTION ORDER
DEBTOR: BURLINGAME CAPITAL PARTNERS II, L.P., a Delaware Limited Partnership, CASE NO: 14-02607-CL7

On May 29, 2014, as docket no. 18, the Trustee filed a Notice of Intended Action to dismiss a cross-complaint against Allen Matkins, et al. as well as the appeal of a discovery sanction order. The Notice of Intended Action was served by the court on May 31, 2014, as docket nos. 19 and 20. On June 11, 2014, as docket no. 21, the Trustee filed an Amendment to the Notice of Intended Action advising creditors that the Notice of Intended Action identified that the entire cross-complaint would be dismissed, albeit by the amendment, the Trustee was advising creditors and parties-in-interest that he intended to dismiss the entire cross-complaint with prejudice.

In excess of 31-days has lapsed since the filing and service of the Notice of Intended Action and no creditor or party-in-interest has objected or otherwise requested a hearing and good cause appearing therefor,

IT IS HEREBY ORDERED:

1. The Trustee is authorized to dismiss with prejudice the entire cross-complaint filed by the debtor against Allen Matkins, et al. in the Superior Court of California, County of San Francisco, case no. CGC-10-505145.
2. The Trustee is authorized to dismiss with prejudice the appeal filed by the debtor in connection with a sanction order, currently pending in the Court of Appeal, State of California, First Appellate District, Division Three, as case no. A136313.